

Serial No.: 10/713,773  
Amendment dated 17 June 2005  
Reply to Office Action mailed 17 March 2005

### **Amendments to the Drawings**

The attached replacement sheets of drawings include formal drawings for Figs. 1-6. These sheets replace the original sheets of drawings including informal drawings for Figs. 1-6.

Attachment: Replacement Sheets, Figs. 1-6

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### **REMARKS**

This Patent Application has been reconsidered carefully in light of the Office Action dated as mailed on 17 March 2005. A careful reconsideration of the application by the Examiner in light of the foregoing amendments and the following remarks is respectfully requested.

There is no additional claim fee due for this Amendment because the total number of claims does not exceed the number of independent and dependent claims for which fees have previously been paid.

### **Request for Telephone Interview**

Applicants' undersigned attorney requests a telephone interview with the Examiner to discuss the merits of this Patent Application. The undersigned requests this interview if the amendments and arguments are not deemed sufficient to place this Patent Application in condition for allowance. If the Examiner feels the claims are not allowable for any reason, then please telephone the undersigned, Eric T. Krischke, at (847) 490-1400.

### **Amendments to the Claims**

By the above Amendment, independent Claim 1 was amended to require the step of sliding the label assembly *underneath opposing stripping members, each stripping member extending from a respective guide and suspended over at least a*

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*portion of an application area defined on a surface of an apparatus base.* This amendment is fully supported throughout Applicants' specification, for example at page 24, line 16 through page 25, line 4, and Figs. 1 and 3.

Independent Claim 10 was amended to include the limitations of original dependent Claim 18, which the Examiner indicated as containing allowable subject matter. Claims 17 and 18 were canceled accordingly.

Independent Claim 20 was amended to include the limitation that *in the indexed position, an indexing element formed on a periphery of the label assembly interfering with a guide formed on the apparatus base surface.* This amendment is fully supported throughout Applicants' specification, for example at page 9, lines 12-18, and Figs. 1, 4 and 5.

Claims 1-16 and 19-25 remain in the application.

#### **Allowable Subject Matter**

As a preliminary matter, the undersigned wishes to thank Examiner Purvis for the indication that Claims 15 and 18 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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By the above Amendment, Claim 10 has been rewritten to include the limitations of Claim 18. In view thereof, Claims 10-16 and 19 are believed to be in condition for allowance and notification to that effect is solicited.

### **Drawings Objection**

The Examiner objected to the drawings as set forth in paragraph 5 of the Office Action. In response to the drawings objection, replacement drawing sheets, including Figs. 1-6, are enclosed herewith. In view thereof, the objection to the drawings is believed overcome and notification to that effect is requested.

### **Claims Rejections - 35 U.S.C. § 102(b)**

Claims 1-4, 6-14, 16, 17 and 19 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 6,748,994 to Wien et al. (hereinafter "Wien"). This rejection is respectfully traversed, particularly in view of the above Amendment and the following remarks.

Independent Claim 1 was amended to require the step of sliding the label assembly *underneath opposing stripping members, each stripping member extending from a respective guide and suspended over at least a portion of an application area defined on a surface of an apparatus base*. This amendment is fully supported throughout Applicants' specification, for example at page 24, line 16 through page 25, line 4, and Figs. 1 and 3.

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Independent Claim 10 was amended to include the limitations of original dependent Claim 18, which the Examiner indicated as containing allowable subject matter. In view thereof, Applicants believe that Claims 10-16 and 19 are patentable over Wien.

Wien discloses a method for applying a label wherein a label 130 having a central portion is placed over a post assembly 120. The post assembly 120 extends upwardly from a center portion of a top surface of the applicator body member 106.

Wien does not disclose sliding the label assembly *underneath opposing stripping members, each stripping member extending from a respective guide and suspended over at least a portion of an application area defined on a surface of an apparatus base*, as required by Applicants' invention as claimed in amended independent Claim 1.

Thus, Wien does not disclose each and every element or limitation of independent Claim 1 and/or 10, as required for a reference to anticipate a claim under 35 U.S.C. § 102. Claims 2-4 and 6-9 depend from and further limit independent Claim 1. Claims 11-14, 16 and 19 depend from and further limit independent Claim 10. Applicants respectfully request withdrawal of this rejection.

Claims 1 and 5 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 6,516,852 to Sandor (hereinafter "Sandor"). This rejection

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is respectfully traversed, particularly in view of the above Amendment and the following remarks.

As discussed above, independent Claim 1 was amended to require the step of sliding the label assembly *underneath opposing stripping members, each stripping member extending from a respective guide and suspended over at least a portion of an application area defined on a surface of an apparatus base.*

Sandor discloses a hub 39 with fingers 36 extending radially outwardly from the hub. Each finger 36 has a tab 37 to effect contact with the inner circumference of the annular label 15 along a contact surface 37'.

Sandor does not disclose sliding the label assembly *underneath opposing stripping members, each stripping member extending from a respective guide and suspended over at least a portion of an application area defined on a surface of an apparatus base*, as required by Applicants' invention as claimed in amended independent Claim 1.

Thus, Sandor does not disclose each and every element or limitation of independent Claim 1, as required for a reference to anticipate a claim under 35 U.S.C. § 102. Claim 5 depends from and further limits independent Claim 1. Applicants respectfully request withdrawal of this rejection.

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Claims 20-25 were rejected under 35 U.S.C. § 102(b) as being anticipated by PCT International Application WO 01/28866 to Ronngard (hereinafter "Ronngard"). This rejection is respectfully traversed, particularly in view of the above Amendment and the following remarks.

Independent Claim 20 was amended to include the limitation that *in the indexed position, an indexing element formed on a periphery of the label assembly interfering with a guide formed on the apparatus base surface.*

Ronngard discloses a method for applying a label wherein a compact disc is fixed with respect to a plate 2 by a peg 4. The label is positioned so that the adhesive side is turned downwards, and the label is applied against the compact disc as it is guided against peg 4.

Ronngard does not disclose the limitation that *in the indexed position, an indexing element formed on a periphery of the label assembly interfering with a guide formed on the apparatus base surface*, as required by Applicants' invention as claimed in amended independent Claim 20.

Thus, Ronngard does not disclose each and every element or limitation of independent Claim 20, as required for a reference to anticipate a claim under 35 U.S.C. § 102. Claims 21-25 depend from and further limit independent Claim 20. Applicants respectfully request withdrawal of this rejection.

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### **Conclusion**

It is believed that the above Amendment places all pending claims in condition for allowance and notification to that effect is solicited. However, should the Examiner detect any remaining issue or have any question, the Examiner is kindly requested to contact the undersigned, preferably by telephone, in an effort to expedite examination of this Patent Application.

Respectfully submitted,



Eric T. Krischke  
Registration No. 42,769

Pauley Petersen & Erickson  
2800 West Higgins Road  
Suite 365  
Hoffman Estates, Illinois 60195  
TEL (847) 490-1400  
FAX (847) 490-1403

Attachments